UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,917	09/05/2003	Brian Axe	16113-768001 / GP-143-00-	8377

26192   7590   06/25/2009
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
BROWN, ALVIN L

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
06/25/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

	Application No.	Applicant(s)
Office Action Summary	10/656,917	AXE ET AL.
	Examiner	Art Unit	
	ALVIN L. BROWN	3622	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 March 2009</u>.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,5-15,17-52,56-66 and 68-103</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1,5-15,17-52,56-66 and 68-103</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some *   c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3-11-2009</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30

March 2009 has been entered. Claims 1, 5-15, 17-52, 56-66, 68-103 have been

examined.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter,
> or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

2.   Claims 1, 27 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Based on Supreme Court precedent, a

method/process claim must (1) be tied to another statutory class of invention (such as a

particular apparatus) (see at least Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker

v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972);

Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject

matter (such as an article or materials) to a different state or thing (see at least

Gottschalk v. Benson, 409 U.S. 63, 71 (1972)). A method/process claim that fails to

meet one of the above requirements is not in compliance with the statutory

requirements of 35 U.S.C. 101 for patent eligible subject matter. Here the claims fails to

meet the above requirements because the steps are neither tied to another statutory

class of invention (such as a particular apparatus) nor physically transform underlying

subject matter (such as an article or materials) to a different state or thing.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1, 5-15, 17-26, 28, 30-52, 56-66, 68-77, 79, 81-103 are rejected under**

35 U.S.C. 103(a) as being unpatentable over Boylan, III et al. (US 6,799,326 B2) in

view of Wen (20010047297).

As per claims 1 and 52, Boylan discloses a method for blocking advertisements,

the method comprising:

accepting at least one blocking category of ads to be blocked (Figure 18;

Column 1, lines 25-35; Column 11, lines 30-45);

accepting at least one ad, each ad being associated with at least one descriptive

category (Figure 21; Column 1, lines 25-35; column 11, lines 46-55; column 12, line 59

– column 13, line 9).

Boylan further blocking advertisements with undesired content (Figure 18).

Boylan does not explicitly disclose:

identifying a document to which an accepted ad is linked;

analyzing content in the document;

identifying, based on analyzing the content in the document, at least one entry;

adding the entry to the blocking category of ads to be blocked if the entry relates to the least one blocking category of ads to be blocked;

preventing an ad from being served if at least a predetermined number of its at least one descriptive category match any of the at least one blocking category of ads to be blocked, wherein the at least one descriptive category associated with the ad is determined from the content of the document.

However, Wen discloses identifying a document to which an accepted ad is linked (paragraph [0028]);

analyzing content in the document (paragraphs [0027, 0065]);

identifying, based on analyzing the content in the document, at least one entry (paragraph [0065]);

adding the entry to the blocking category of ads to be blocked if the entry relates to the least one blocking category of ads to be blocked (paragraph [0058]);

preventing an ad from being served if at least a predetermined number of its at least one descriptive category match any of the at least one blocking category of ads to be blocked, wherein the at least one descriptive category associated with the ad is determined from the content of the document (paragraph [0058]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Wen's analysis of document containing advertisements and blocking of ads based on categories to Boylan's blocked advertisement. One would be motivated to do this in order to block advertisement based on content during a search session.

As per claims 28, and 79, Boylan further discloses the descriptive category is a semantic cluster (column 11, line 55 - column 12, line 3).

As per claims 30 and 81, Boylan further discloses the descriptive category is a concept (column 11, lines 30-45).

As per claims 5 and 56, Boylan further discloses the act of preventing an ad from being served includes removing the ad from a set of eligible ads (Figure 18, #132).

As per claims 6 and 57, Boylan further discloses the predetermined number is one (column 11, lines 30-45).

As per claims 7, 18-20, 32, 43-45, 58, 69, 70-71, 83, 94-96, Boylan further discloses the descriptive category is a product category, name and manufacturer (column 11, lines 30-45).

As per claims 8, 21-22, 33, 46-47, 59, 72-73, 84, 97-98, Boylan further discloses at least one of the at least one descriptive category is a service category (column 11, lines 30-45).

As per claims 9, 23, 34, 48, 60, 74, 85, 99, Boylan further discloses the at least one blocking category of ads to be blocked is accepted from a list associated with at least one document (column 11, line 55 – Column 12, line 3).

As per claims 10, 24, 35, 49, 61, 75, 86, 100, Boylan further discloses at least one document is at least one Web page (column 6, lines 53-67).

As per claims 11, 25, 36, 50, 62, 76, 87, 101, Boylan further discloses at least one document include Web pages of a Website (column 6, lines 53-67).

As per claims 12, 26, 37, 51, 63, 77, 88, 102, Boylan further discloses at least

one document is at least one Web page associated with a path name (column 6, lines

53-67).

As per claims 13, 38, 64, 89, Boylan further discloses:

accepting user input indicating at least one term; and preventing an ad from

being served if at least a part of its ad information includes at least a second

predetermined number of any of the at least one term (column 11, lines 30-45).

As per claims 14, 39, 65, 90, Boylan further discloses at least a part of the ad

information is content of a creative of the ad (column 7, line 65 - column 8, line 18).

As per claims 15, 40, 66, 91, Boylan further discloses at least a part of the ad

information is keyword targeting terms associated with the ad (column 11, lines 30 –

45).

As per claims 41, 92, Boylan further discloses at least a part of the ad

information is content of a document linked to by the ad (column 11, lines 30 – 45).

As per claims 17, 42, 68, 93, Boylan further discloses the second predetermined

number is one (column 11, lines 30 – 45).

As per claims 31 and 82, Boylan further discloses the act of adjusting a weight

of each of the at least one blocking category in a comparison function includes setting

the weight to zero (column 12, lines 4-15).

As per claim 103, Boylan discloses computer-readable medium having

embodied thereon a computer program configured to block digital advertisements, the

medium comprising one or more code segments configured, when executed,

receive user input indicating a category of digital advertisements to be blocked

from distribution to a viewer over the distribution network (Figure 18; Column 1, lines

25-35; Column 11, lines 30-45; Column 6, lines 30-42);

receive user input indicating a digital advertisement, the advertisement being

distributed with content distributed to viewers over the distribution network (Column 5

lines 37-60; Column 6, lines 30-42); and

block a digital advertisement from distribution over the distribution network if the

category associated with the digital advertisement matches the indicated category of

digital advertisements to be blocked, wherein the category associated with the digital

advertisement is determined from the content distributed with the digital advertisement

(figure 18).

5.   **Claims 27 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Boylan, III et al. (US 6,799,326 B2) in view of Wen (20010047297) further in

view of Dedrick (5,724,521).

As per claims 27 and 78, Boylan discloses:

accepting at least one blocking category of ads to be blocked (Figure 18;

Column 11, lines 30-45); and

accepting at least one ad, an ad being associated with at least one category

(Figure 21; column 11, lines 46-55; column 12, line 59 – column 13, line 9).

Boylan does not explicitly disclose

identifying, based on comparing the document to the at least on ad, the at least

one ad as a candidate ad;

analyzing the candidate ad using the at least one blocking category of ads to be blocked;

determining, based on analyzing the candidate ad using the at least one blocking category of ads to be blocked, that the candidate ad should not be blocked; and

adding the candidate ad to a set of advertisements for placement by an advertising server.

However, Wen discloses identifying, based on comparing the document to the at least on ad, the at least one ad as a candidate ad (paragraph [0065]);

analyzing the candidate ad using the at least one blocking category of ads to be blocked (paragraphs [0058, 0065]);

determining, based on analyzing the candidate ad using the at least one blocking category of ads to be blocked, that the candidate ad should not be blocked (paragraphs [0058, 0065]); and

adding the candidate ad to a set of advertisements for placement by an advertising server (paragraphs [0058, 0065]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Wen's analysis of document containing advertisements and blocking of ads based on categories to Boylan's blocked advertisement. One would be motivated to do this in order to block advertisement based on content during a search session.

Boylan does not explicitly disclose:

adjusting a weight of each of the at least one blocking category in a comparison

function; accepting a document being associated with at least one descriptive category;

and comparing each of the at least one ad with the document using comparison

function.

However, Dedrick discloses:

adjusting a weight of each of the at least one blocking category in a comparison

function (column 2, lines 10-20);

accepting a document being associated with at least one descriptive category

(column 2, lines 10-20); and

comparing each of the at least one ad with the document using comparison

function (column 2, lines 10-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to add Dedrick's document linked to an ad and weighted

categories to Boylan's blocked advertisement. One would be motivated to do this in

order to block advertisement based on content during a search session.

6.   **Claims 29 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Boylan, III et al. (US 6,799,326 B2) in view of Wen (20010047297) further in

view of Dedrick (5,724,521) further in view of Bangalore, Srinivas and Rambow,

Owen, "Exploiting a Probabilistic Hierarchical Model for Generation. In:

Proceedings of the 18th Conference on Computational Linguistics

(COLING'2000), July 31 - August 4 2000.

As per claims 29 and 80, the Boylan, Wen and Dedrick combination discloses
the claimed invention as in claims 27 and 78. Boylan further discloses a method of
blocking advertisements by analyzing keyword in the text of the advertisement (column
11, line 61 – column 12, line 3).

The combination does not explicitly disclose the descriptive category is a
probabilistic hierarchical inferential learner cluster.

However, Bangalore teaches probabilistic hierarchical inferential learner cluster
(pages 42 – 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to add Bangalore's model of examining a set of word as
concepts in a query to the combination's method of blocking advertisements. One would
be motivated to do this in order to provide users with content specific advertisements.

Response to Arguments

Applicant's arguments included in Remarks filed on 30 March 2009 with respect
to the claims have been considered but are moot in view of the new ground(s) of
rejection. Please see the addition of Wen to the independent claim rejections above.

Applicant argues that "while Applicant believes that the claims as originally
presented are directed to statutory subject matter, Applicant has amended Claims 1 and
27 to recite "[a] computer- implemented method." Examiner notes that a mere mention
of "a computer-implemented method" in the preamble is not sufficient to meet the 35
USC § 101 criteria. Rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN L. BROWN whose telephone number is (571)270-5109. The examiner can normally be reached on Monday - Thursday 7:30 AM to 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571 272 6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALB

/Arthur Duran/
Primary Examiner, Art Unit 3622